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8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 ANDREW RICK LOPEZ,  
12 Plaintiff,

13 v.

14 D. PETERSON, et al.,  
15 Defendants.  
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No. 2:98-cv-2111-MCE-EFB P

ORDER

17 Plaintiff, a state prisoner proceeding through counsel, has filed this civil rights action  
18 seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate  
19 Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

20 On February 9, 2017, the magistrate judge filed findings and recommendations herein  
21 which were served on all parties and which contained notice to all parties that any objections to  
22 the findings and recommendations were to be filed within fourteen days. Plaintiff has filed  
23 objections to the findings and recommendations. Defendants have filed a response to those  
24 objections.

25 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this  
26 Court has conducted a de novo review of this case. Having carefully reviewed the entire  
27 file, the Court finds the findings and recommendations to be supported by the record and by  
28 proper analysis.

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The findings and recommendations filed February 9, 2017, (ECF No. 476) are  
3 ADOPTED in full.

4 2. Plaintiff's motion for summary judgment (ECF No. 458) is DENIED.

5 3. Defendants' motion for summary judgment (ECF No. 466) is GRANTED in part. The  
6 following claims are DISMISSED:

7 (a) Eighth Amendment claims against defendants Castro and D. Peterson;

8 (b) Fourteenth Amendment claims against defendants Holmes, C.J. Peterson, and  
9 D. Peterson;

10 (c) Fourteenth Amendment claims against defendants Babich, Baughman, and  
11 Diggs;

12 (d) First Amendment claims against defendant Baughman; and


13 (e) First and Fourteenth Amendment claims against defendant Reyes.

14 4. Defendants' motion is DENIED in all other respects.

15 5. Plaintiff's motion for substitution of deceased defendant (ECF No. 465) is DENIED as  
16 moot.

17 IT IS SO ORDERED.

18 Dated: June 16, 2017

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20 MORRISON C. ENGLAND, JR.  
21 UNITED STATES DISTRICT JUDGE  
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